

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

Yvelise Cabrera,

Plaintiff,

v.

Anyelisa Rest. Corp. dba Justine Restaurant and
Ruben Dichardo
Defendants.

Case No. 1:22-CV-6349


ORDER OF
CIVIL CONTEMPT

This matter coming to be heard on the Court's Order of April 27, 2023 (D.E. 45) requiring Justine Restaurant a/k/a/ El Justine located at 40 E. 167th, Bronx, NY 10452 ("Justine") to appear and show cause as to why it should not be held in contempt of Court, all Parties having Notice, and the Court having determined that:

- (i) A subpoena was served on Justine on March 4, 2023 (the "Subpoena") (D.E. 43);
- (ii) Justine failed to respond to the subpoena (D.E. 44);
- (iii) Plaintiff filed a Motion to Compel and/Or For Rule to Show Cause (the "Motion") (D.E. 44);
- (iv) On April 27, 2023 The Court granted the Motion; set the matter for a Show Cause hearing on June 9, 2023 at 9:00 am.; and the Court required Plaintiff to serve a copy of its order granting the Motion on Justine (the "Show Cause Order") (D.E. 45);
- (v) Plaintiff served the Show Cause Order on Justine on May 8, 2023 (D.E. 47); and
- (vi) Plaintiff's counsel having advised the Court on June 9, 2023 in open court that he had a telephone call with a male individual at Justine who identified himself as the owner of Justine and acknowledged receipt of the subject subpoena; and Plaintiff's counsel advised such individual of the date, time, and call-in information for today's hearing:

IT IS HEREBY ORDERED:

1. An order of civil contempt is entered against Justine for failing to respond to the Subpoena and failing to appear at the June 9, 2023 show cause hearing. Beginning June 26, 2023, Justine will be fined \$100 per day until the contempt is purged;
2. This matter is continued to July 14, 2023 at 9:00 am (Eastern) for status on Justine's compliance with this order. If Justine has failed to comply with this Order prior to July 14, 2023, the Court reserves the right to increase or alter its civil contempt fine or sanction.
3. The July 14, 2023 hearing shall be held telephonically. The call-in information is 888-251-2909, and the access code is 2123101;
4. Plaintiff shall serve a copy of this Order on Justine, and file proof of service of this Order with the Court.


Judge: _____ Date: 6-15-23